

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

JAMES BURNS,
Plaintiff,
v.
ANDREW SAUL,
Commissioner of Social Security,
Defendant.

) Civil No. 2:20-cv-01182-JDP
)
) STIPULATION AND ORDER TO
) EXTEND BRIEFING SCHEDULE
)
) ECF No. 20
)
)
)

1 IT IS HEREBY STIPULATED by the parties, through their undersigned attorneys, to extend
2 Defendant's time to file his Cross-Motion for Summary Judgment and in Opposition to Plaintiff's
3 Motion for Summary Judgment with the Court by 30 days to June 9, 2020, and that all other scheduling
4 dates set forth in the Court's Case Management Order shall be extended accordingly. This is
5 Defendant's first request for an extension of time in this matter.

6 In light of the global COVID-19 crisis, SSA is switching to new work processes, and is focusing
7 on providing the most critical services by mail, phone and online to those most in need. SSA is also
8 taking additional steps to protect its employees and help stop the spread of COVID-19, maximizing
9 social distancing, including significantly limiting employee access to SSA facilities for health and
10 safety only and moving rapidly toward a virtual work environment. Although the agency is working
11 diligently to provide ongoing services, including legal services, there are practical implications for our
12 litigation workloads.

13 Counsel for Defendant, as well as all the support staff in that office, works in the State of
14 California, where the governor has ordered all residents to stay home, effective March 19, 2020, until
15 further notice. This order has led to reduced onsite staffing in Offices of the United States
16 Attorney. Defendant's counsel coordinates closely with the United States Attorney's Office and relies
17 on that office for certain types of administrative support. Moreover, the Governor's order and the
18 decision of the Commissioner to implement full-time telework throughout the country has led to
19 unanticipated strains on internet connectivity for SSA employees.

20 The closure of schools and state-wide movement restrictions have also impacted the work
21 schedules of members of the plaintiffs' bar, and caused many plaintiffs' attorneys to receive extensions
22 to original briefing schedules. As the moving parties in Social Security litigation, plaintiffs' extensions
23 necessarily affect the briefing deadlines for Defendant's counsel. Defendant's counsel now has an
24 unexpectedly large number of briefs to respond to within the next seven days.

25 Moreover, counsel for Defendant is communicating with his client regarding the defensibility of
26 this matter, which may resolve this case without necessitating further use of the Court's time and
27 resources. Counsel for Defendant believes that this extension will properly allow Defendant to
28 evaluate the merits of this case.

Counsel for Defendant apologizes to Plaintiff and the Court for any inconvenience caused by this delay.

Respectfully submitted,

Date: May 14, 2021

CERNEY KREUZE & LOTT, LLP

By: /s/ Caspar Chan for Shellie Lott*
SHELLIE LOTT
*Authorized by email on May 14, 2021
Attorneys for Plaintiff

Date: May 14, 2021

PHILIP A. TALBERT
Acting United States Attorney
Eastern District of California

By: /s/ Caspar Chan
CASPAR CHAN
Special Assistant United States Attorney
Attorneys for Defendant

ORDER

The parties' stipulation is construed as a motion and granted for good cause shown. ECF No. 20. Defendant's deadline to submit an opposition to plaintiff's motion for summary judgment is extended to June 9, 2021.

IT IS SO ORDERED.

Dated: May 14, 2021

Jeremy Peterson
JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE